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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re Application of) NOV 08 2004
Keijiro TAKE et al.)
Serial No. 10/073,320) Group Art Unit: 2683
Filed: February 13, 2002) Examiner: Keith Ferguson
For: MOBILE RADIO)
COMMUNICATION SYSTEM)

TERMINAL DISCLAIMER TO OBLIGATE A
DOUBLE PATENTING REJECTION OVER A PRIOR PATENT

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Petitioner, MITSUBISHI DENKI KABUSHIKI KAISHA, through its undersigned authorized representative, represents that it is the assignee of the entire interest in the subject application, Serial No. 10/073,320, filed on February 13, 2002 for MOBILE RADIO COMMUNICATION SYSTEM, and that an assignment to it has been recorded in the U.S. Patent and Trademark Office at Reel 009850, Frame 0078.

Petitioner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the above-identified application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal

11/05/2004 RFEKADU1 00000083 022135 10073320 disclaimer of prior Patent No. 6,370,377 by inventors Take et

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al. and issued to Petitioner as assignee on April 9, 2002. Petitioner hereby agrees that any patent so granted on said above-identified application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the above-identified application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, Petitioner does not disclaim any terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321(a), has all claims cancelled by a reexamination certificate, is reissued, or is otherwise terminated prior to the expiration of its statutory term as presently shortened by any terminal disclaimer.

The undersigned has reviewed all assignments, chain of title, or other evidentiary documents accompanying or referred to in this Terminal Disclaimer and certifies to the best of the undersigned's knowledge and belief that title is in Petitioner.

The undersigned, whose title is supplied below, is empowered to act on behalf of Petitioner.

The undersigned hereby declares that all statements made herein of his/her own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,

By Vincent M. De Luca
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